MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING

October 26, 2023

I. **CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Larry Forester, Zach Davis, William Wilson, Ivy Barksdale, Robin Michler, Graham Pohl, Mike Owens, Janice Meyer, Judy Worth, and Bruce Nicol.

Planning staff members present: Jim Duncan, Traci Wade, Chris Taylor, Autumn Goderwis, Tom Martin, Daniel Crum, James Mills, Rachael Lay, S.B. Stroh, Rachael Lay, and Bill Sheehy. Other staff members present were: David Filiatreau, Division of Traffic Engineering; Vaughan Adkins, Division of Engineering; Captain Greg Lengal, Division of Fire and Emergency Services; Tracy Jones and Brittany Smith, Department of Law.

II. **APPROVAL OF MINUTES** – A motion was made by Mr. Wilson, seconded by Mr. Pohl for the approval of the minutes of the August 24, 2023 public hearing, and carried 10-0

III. **POSTPONEMENTS AND WITHDRAWALS** - Requests for postponement and withdrawal will be considered at this time.

1. **PLN-MAR-23-00011: CLEAR OPTIKS, LLC** (10/26/23)* – a petition for a zone map amendment from a Professional Office (P-1) zone to Neighborhood Business (B-1)zone, for 0.6130 net (1.04 gross) acres, for property located at 1617 Clays Mill Road.

Applicant Comment – Dick Murphy, attorney for the applicant, requested a postponement to the December 14, 2023 Planning Commission public hearing. Mr. Murphy stated that the applicant is still working out a number of issues and needs a two month postponement.

Action **–** A motion was made by Mr. Davis, seconded by Ms. Worth and carried 10-0 to postpone PLN-MAR-23-00011: CLEAR OPTIKS, LLC to the December 14, 2023 public hearing.

IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 5, 2023 at 8:30 a.m. The meeting was attended by Commission members Ivy Barksdale, Judy Worth, Janice Meyer, and Mike Owens. Other Committee members present were Vaughan Adkins, Division of Engineering; and Steven Parker, Division of Traffic Engineering. Staff members in attendance were: Traci Wade, Tom Martin, Daniel Crum, Cheryl Gallt, Autumn Goderwis, Paula Schumacher, Greg Lengal, Division of Fire and Emergency Services; and Chris Dent; Division of Water Quality. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission:
1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

A. **NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

Criteria: (1) the Subdivision Committee recommendation is for approval, as listed on this agenda, and
(2) the Petitioner agrees with the Subdivision Committee recommendation and conditions listed on the agenda, and
(3) no discussion of the item is desired by the Commission, and

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

(4) no person present at this meeting objects to the Commission acting on the matter without discussion, and
(5) the matter does not involve a waiver of the Land Subdivision Regulations.

B. DISCUSSION ITEMS – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for these hearings is as follows:
- Staff Report(s), including subcommittee reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  (a) proponents (10 minute maximum OR 3 minutes each)
  (b) objectors (30 minute maximum OR 3 minutes each)
- Rebuttal & Closing Statements
  (a) petitioner's comments (5 minute maximum)
  (b) citizen objectors (5 minute maximum)
  (c) staff comments (5 minute maximum)
- Commission discusses and/or votes on the plan.

V. ZONING ITEMS - The Zoning Committee met on October 5, 2023, at 1:30 p.m. to review zoning map amendments and Zoning Ordinance text amendments. The meeting was attended by Commission members Larry Forester, Robin Michler, Zach Davis, William Wilson, Graham Pohl, and Bruce Nicol. Staff members present were; Traci Wade, Chris Taylor, Autumn Goderwis, Tom Martin, Bill Sheehy; as well as Brittany Smith, Department of Law.

A. ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS
The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:
- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS - Following abbreviated hearings, the remaining petitions will be considered.
The procedure for these hearings is as follows:
- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  (a) Proponents (10 minute maximum OR 3 minutes each)
  (b) Objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
  (a) Petitioner's comments (5 minute maximum)
  (b) Citizen objectors (5 minute maximum)
  (c) Staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s).

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. 214 WALLER AVENUE, LLC ZONING MAP AMENDMENT AND OT & ELIZABETH ROBINSON DEVELOPMENT PLAN

a. PLN-MAR-23-00009: 214 WALLER AVENUE, LLC (11/5/2023)* **–** a petition for a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.1138 net (0.1868 gross) acres for property located at 416 & 418 W. Maxwell Street.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

COMPREHENSIVE PLAN AND PROPOSED USE
The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The petitioner is proposing to modify an existing 3,874 square-foot structure to establish four dwelling units, for a density of 29.9 units per acre. The applicant is proposing an access drive from W. Maxwell Street leading to an unloading area behind the building, with no on-site parking proposed.

The Zoning Committee Recommended**: Postponement**.

The Staff Recommends: **Postponement**, for the following reasons:

1. The applicant should provide further justification for the appropriateness of the Low-Density Residential Development Type within the proposed Downtown Place-Type.
2. The applicant should address the following Goals and Objectives of the Comprehensive Plan:
   a. Accommodate demand for housing in Lexington responsibly, prioritizing higher-density and a mixture of housing types (Theme A, Objective #1.b).
   b. Respect the context and design features of the areas surrounding development projects and develop design standards that ensure compatibility with the existing urban form (Theme A, Objective #2.b).
   c. Implement the Complete Streets policy, prioritizing a pedestrian-first design that also accommodates the needs of bicycle, transit, and other vehicles (Theme D, Objective #1.a).
3. The applicant should provide information on how the request is in agreement with the Policies of the Comprehensive Plan.
4. The zone change application for the subject properties, as proposed, does not completely address the development criteria for a zone change within the Downtown Place Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
   a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
   b. A-DS4-2: New construction should be at an appropriate scale to respect the context of neighboring structures; however, along major corridors, it should set the future context in accordance with other Imagine Lexington corridor policies and Placebuilder priorities.
   c. A-DS5-3: Building orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
   d. A-DS5-4: Development should provide a pedestrian-oriented and activated ground level.
   e. D-CO2-2: Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
   f. A-EQ3-2: Development on corridors should be transit oriented (dense and intense, internally walkable, connected to adjacent neighborhoods, providing transit infrastructure & facilities).

b. **PLN-MJDP-23-00045: OT & ELIZABETH ROBINSON PROPERTY** (11/5/2023)* - located at 416 & 418 W. MAXWELL STREET, LEXINGTON, KY

Council District: 3
Project Contact: Vision Engineering

Note: The purpose of this plan is to depict residential development, in support of the requested zone change from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone.

The Subdivision Committee Recommended: **Approval**, subject to the following revised conditions:

1. Provided the Urban County Council approves the zone change to B-2B; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Denote proposed pedestrian access to units 3 and 4.
7. Delete "office units" in site statistics.
8. Denote sanitary sewer service to proposed units shall be determined at time of final development plan.
9. Discuss need for proposed driveway width at rear of property.

Staff Presentation – Mr. Daniel Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Wholesale and Warehouse Business (B-4) zone to a Lexington Center Business (B-2B) zone, for 0.1138 net (0.1868 gross) acres for property located at 416 & 418 W. Maxwell Street. Mr. Crum stated that the applicant was seeking to rezone the property to establish a 4-plex multi-family residential use. Additionally, Mr. Crum stated that the applicant has selected the Downtown Place-Type and the Low-Density Residential Development Type and while Staff was in agreement with the Place-Type, they were not with the Development-Type, stating that the Downtown Place–Type calls for a much higher density development type. Mr. Crum presented the information contained in the applicant's supplemental letter of justification, which argued that the current zone is inappropriate, and that the chosen zone is appropriate. Mr. Crum stated that Staff agrees with the applicant's appropriateness argument.

Mr. Crum noted the adjacent H-1 overlay near the property, its proximity to various businesses like the Lexington Center, and its former use as an auto repair shop. Additionally, Mr. Crum noted a change on the development plan to provide open space rather than vehicular use area around the property. Mr. Crum also presented aerial photography to outline the substantial changes away from industrial and warehouse uses that had happened in this area since 2000.

Mr. Crum concluded his presentation by stating that Staff was recommending approval, with conditional zoning restrictions that prohibit automobile service stations and establishments for rental or sale of automobile and other motorized vehicles.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin indicated that they would be using the existing building and adding a second floor for the four residential units. Mr. Martin noted the pedestrian facilities around the building as well as the open space around the outside of the property.

Mr. Martin concluded his presentation by stating that Staff was recommending approval and could answer any questions from the Planning Commission.

Applicant Presentation – Fred Eastridge, engineer for the applicant, thanked Staff for their presentations, and indicated that the owner was agreeable to the conditions suggested by Staff.

Action – A motion was made by Ms. Meyer, seconded by Mr. Wilson and carried 10-0 to approve PLN-MAR-23-00009: 214 WALLER AVENUE, for reasons provided by Staff, including the conditional zoning restrictions.

Action – A motion was made by Ms. Meyer, seconded by Ms. Worth and carried 10-0 to approve PLN-MJDP-23-00045: OT & ELIZABETH ROBINSON PROPERTY LLC with the 6 revised conditions provided by Staff.

2. LEXINGTON HABITAT FOR HUMANITY ZONING MAP AMENDMENT AND DELONG ADDITION LOTS 17, 18, AND 19 DEVELOPMENT PLAN

a. PLN-MAR-23-00014: LEXINGTON HABITAT FOR HUMANITY (12/4/2023)* – a petition for a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.56 net (0.79 gross) acres for properties located at 220, 224, 226, 228 E. Seventh Street and 628 Maple Street.

COMPREHENSIVE PLAN AND PROPOSED USE
The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The petitioner is proposing the Planned Neighborhood Residential (R-3) zone in order to construct seven attached townhomes in connection with the Habitat for Humanity non-profit organization. The proposed dwelling units will be two-story units, with a total residential density of 12.5 units per acre. Each unit will have an individual rear driveways that will connect to Foster Alley to the rear.

The Zoning Committee Recommended**: Approval**.

The Staff Recommends: **Approval**, for the following reasons:

1. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2045 Comprehensive Plan's Goals and Objectives, for the following reasons:
   g. The proposal will expanding housing choices (Theme A, Goal #1) and will allow for a greater mixture of housing types by introducing new single-family attached residential units (Theme A, Objective #1.b).
   h. The request will activate an underutilized parcel within the Infill and Redevelopment Area in order to develop additional housing (Theme A, Goal #2).
   i. The proposal encourages safe interactions within the neighborhood by reinforcing the streetscape to create a more inviting and walkable pedestrian environment (Theme A, Goal #3).
   j. The request will strengthen opportunities for housing affordability by introducing additional affordable housing stock into the area (Theme A, Objective #5.b).

2. The requested Planned Neighborhood Residential (R-3) zone is in agreement with the 2018 Comprehensive Plan's Policies, for the following reasons:
   a. The proposal's new single-family attached development product is in keeping with the scale and intensity of development in the surrounding area (Theme A, Design Policy #4).
   b. The proposed development will increase the supply of affordable housing within the neighborhood (Theme A, Equity Policies #1 and #2).
   c. The request will reinforce the Maple Avenue and E. Seventh Street streetscapes, resulting in a more walkable block (Theme A, Design Policy #5).

3. The justification and corollary development plan are in agreement with the policies and development criteria of the 2018 Comprehensive Plan.
   a. The proposed rezoning meets the criteria for Site Design, Building Form and as the request intensifies a series of underutilized parcels within the Infill and Redevelopment area, creates a safer pedestrian environment by removing parking areas along Maple Avenue, activates both road frontages, and locates parking to the rear of the development.
   b. These proposed rezoning addresses the Transportation and Pedestrian Connectivity development criteria, as the proposed development maintains the existing pedestrian infrastructure and connectivity present on-site.
   c. The proposed rezoning meets the criteria for Greenspace and Environmental Health as the proposal works with the existing landscape, will increase the overall tree canopy, and has no impact on environmentally sensitive areas.

4. This recommendation is made subject to approval and certification of PLN-MJSUB-23-00005 DELONG ADDITION, LOTS 17, 18, and 19 (AMD) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

b. PLN-MJSUB-23-00005: DELONG ADDITION, LOTS 17, 18, and 19(AMD) (12/4/2023)* - located at 220-228 E. SEVENTH STREET & 628 MAPLE AVENUE, LEXINGTON, KY

Council District: 1
Project Contact: Prime AE

The Subdivision Committee Recommended **Approval**, subject to the following revised conditions:

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Note: The purpose of this plan is to depict re-subdividing the property in support of the requested zone change from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone.

The Subdivision Committee Recommended: **Approval**, subject to the following revised conditions:

1. Provided the Urban County Council approves the zone change to R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Landscape Examiner's approval of landscaping.
5. Addressing Office's approval of street names and addresses.
6. Urban Forester's approval of tree protection area(s) and required street tree information.
7. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
8. Greenspace Planner's approval of the treatment of greenways and greenspace
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Discuss Placebuilder criteria.

Staff Presentation **–** Mr. Daniel Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.56 net (0.79 gross) acres for properties located at 220, 224, 226, 228 E. Seventh Street and 628 Maple Street. Mr. Crum stated that the applicant was seeking to build a seven unit townhome development using the Enhanced Neighborhood Place-type and the Low Density Residential Development type. Mr. Crum stated that Staff was in agreement with the Development type and the Place-type.

Mr. Crum gave a brief history of the property, stating that the subject property was currently zoned B-1, but did not have a history of B-1 uses. Mr. Crum highlighted the surrounding properties noting that they were mostly residential. Mr. Crum displayed the subdivision plan and stated that the properties would be oriented towards Maple Avenue, except for Unit #7, which will have porch activation towards Seventh Street. Mr. Crum then highlighted the Goals, Objectives, and Policies of the Comprehensive Plan that were being met with this request.

Mr. Crum concluded his presentation stating that Staff is recommending approval and could answer any questions from the Planning Commission.

Subdivision Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin stated that since this is a subdivision plan, there would be no final development plan associated with it. Instead, the applicant can construct any necessary improvements or utilities based on this plan.

Mr. Martin presented the subdivision plan, and reiterated what Mr. Crum stated previously, and that the Subdivision Committee had recommended approval.

Mr. Martin concluded his presentation by stating that Staff was recommending approval and could answer any questions the Planning Commission had.

Commission Questions – Mr. Michler asked if the parking area along the right-of-way near the property would remain at all, or if there would be places for cars to parallel park on the street. Mr. Martin stated that it was all going to be removed, but that he believed that the applicant would have to repair the right-of-way.

Mr. Michler also stated that he thought it would be a service for the city to evaluate whether we can expand on street parking on streets like Maple Avenue.

Applicant Presentation – Katie Beard, engineer for the applicant, stated that the applicant is excited, and hopeful for an approval to continue with this project. Ms. Beard indicated that the applicant is agreeable to the conditions and have been approved for the sanitary sewer capacity. Ms. Beard concluded her remarks by stating she could answer any questions from the Planning Commission.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Action – A motion was made by Mr. Wilson, seconded by Ms. Barksdale and carried 10-0 to approve PLN-MAR-23-00014: LEXINGTON HABITAT FOR HUMANITY, for reasons provided by Staff.

Action – A motion was made by Mr. Wilson, seconded by Ms. Barksdale and carried 10-0 to approve PLN-MJSUB-23-00005: DELONG ADDITION, LOTS 17, 18, and 19(AMD) with the 10 revised conditions provided by Staff.

3. MEADOW OAKS FARM, LLC ZONING MAP AMENDMENT AND MEADOW OAKS UNIT 2 (ASHFORD OAKS) DEVELOPMENT PLAN

a. PLN-MAR-23-00015: MEADOW OAKS FARM, LLC (12/4/23)* **–** a petition for a zone map amendment from an Expansion Area Residential 2 (EAR-2) zone to a Community Center (CC) zone, for 5.64 net and gross acres, for property located at 3320 Feliciana Lane (a portion of) and 6810 Man O War Boulevard (a portion of).

COMPREHENSIVE PLAN AND PROPOSED USE
The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is rezoning the property to allow for an expansion to the previously approved Community Center within the Meadow Oaks development. The applicant proposes a new 117,000 square-foot hotel, with spa and restaurant amenities. The applicant is proposing to locate 10 multi-family residential units within the hotel structure. The request also intensifies the existing CC area by adding additional commercial buildings and increasing their height to three and four stories. This proposal results in a total of 90 residential multi- family units within the CC zoned areas, for a density of 9.1 units per gross acre. The Community Center will be served by 334 parking spaces, spread around the perimeter of the buildings.
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The Zoning Committee Recommended**: Postponement**.

The Staff Recommends: **Postponement**, for the following reasons:

1. The applicant should provide a justification for the appropriateness of the chosen Community Center (CC) zone within the chosen Place-Type and Development Type.
2. The applicant should provide further information on how the proposal is in line with the policies of the 2018 Comprehensive Plan.
3. The zone change application for the subject property, as proposed, does not completely address the development criteria for a zone change within the New Complete Neighborhood Place Type, and the Medium Density Non-Residential/Mixed Use Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
   a. A-DS7-1 Parking should be oriented to the rear of the property for non-residential or multi-family residential development.
   b. A-DS5-3 Building Orientation should maximize connections with the surrounding area and create a pedestrian-friendly atmosphere.
   c. D-CO2-2 Development should create and/or expand a safe, connected multi-modal transportation network that satisfies all users' needs, including those with disabilities.
   d. D-PL2-1 Developments should aim to provide a neighborhood-serving use that does not already exist in the vicinity, or that fills a specific need.

b. PLN- MJDP-23-00056: MEADOW OAKS, UNIT 2 (ASHFORD OAKS) (AMD) (12/4/23)* - located at 3320 FELICIANA WAY and 6810 MAN O' WAR BOULEVARD, LEXINGTON, KY

Council District: 12
Project Contact: EA Partners

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Note: The purpose of this plan is to depict development of a hotel, mixed-use dwelling units, and open space in support of the requested zone change from an Expansion Area Residential 2 (EAR-2) zone to a Community Center (CC) zone.

The Subdivision Committee Recommended: **Postponement**. There are questions regarding landscape buffers and compliance with CC zone requirements.

Should this plan be approved, the following requirements should be considered:

1. Provided the Urban County Council approves the zone change to CC; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree preservation plan.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Division.
8. United States Postal Service Office's approval of kiosk locations or easement.
9. Denote building coverage and Floor Area Ratio per Article 21 requirements.
10. Dimension pool and hardscape area.
11. Denote no direct access to Man O War Boulevard.
12. Denote final record plat information.
13. Discuss parking access relative to Man O War Boulevard.
14. Discuss proposed zone-to-zone landscape buffer.
15. Discuss number of residential units proposed in hotel structures per CC zone special provisions.
16. Discuss Placebuilder criteria.

Staff Presentation **–** Mr. Daniel Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from an Expansion Area Residential 2 (EAR-2) zone to a Community Center (CC) zone, for 5.64 net and gross acres, for property located at 3320 Feliciana Lane (a portion of) and 6810 Man O War Boulevard (a portion of). Mr. Crum stated that the applicant is seeking to expand a previously approved CC development using the New Complete Neighborhood Place-Type and the Medium Density Non-Residential Mixed-Use Development Type. Mr. Crum indicated that Staff thought both the Place-Type and Development Type were appropriate for this location.

Mr. Crum highlighted aerial images of the property and noted a residential area close to the property that will be connected to the future development on the site. Additionally, Mr. Crum presented photographs of the current farm entrance that the applicant plans to keep, as well as the property as it looks now. Mr. Crum noted that this property was in the Expansion Area and that the applicant was looking to expand the existing Community Center zoning.

Mr. Crum showcased portions being amended on the development plan, highlighting the hotel, courtyard, and spa, as well as additional restaurant space. Additionally, Mr. Crum noted that the residential section of the property would include three and four story buildings.

Mr. Crum concluded his presentation by stating that Staff is recommending approval of this application, citing the CC zone is in agreement with the Comprehensive Plan's goals relating to tourism and providing amenities to the community, as well as the EAMP.

Commission Questions – Mr. Owens asked if there was any security that both portions of this CC zone will be built, and Mr. Crum indicated that both areas must be shown on the final development plan. The Planning Commission could deny any revisions or expansions that exceeded the maximum amount of non-residential development.

Development Plan Presentation – Mr. Tom Martin oriented the Planning Commission to the location and characteristics of the subject property. Mr. Martin highlighted the access from Man O War Blvd, as well as the various businesses proposed by the applicant, including a hotel, bar, and a café. Additionally, Mr. Martin reiterated the importance of having a residential component to this development, and noted the location of the three and four story buildings and 45 townhomes for residential use.

Mr. Martin asserted that the issue of a right-in, right-out, would be discussed at the time of the final development plan to make sure it is designed correctly. Mr. Martin also discussed the pedestrian crossings and sidewalks around the development and noted the connection to the amenities provided as well as the landscape buffer between the zones.

Mr. Martin indicated that there were some clean-up conditions, but Staff was recommending approval of the development plan and could answer any questions from the Planning Commission.

Commission Questions – Mr. Michler asked if there was any structured or underground parking and if that was appropriate for this zone change. Mr. Martin stated that there was not any structure or underground parking, as to the appropriateness, as long as it meets the requirements, it can be deemed appropriate.

Additionally, Mr. Michler stated his concern with using the space around the natural area as parking space.

Mr. Michler also asked if the one access point to the north of the property was meeting our connectivity standards that we have approved. Mr. Martin indicated that at this point it has, but will have to be looked at each step of the process.

Finally, Mr. Michler asked if there was discussion on why the sidewalk does not continue along the entire stretch of Man O War Blvd. Mr. Martin indicated that was part of the development process and that pedestrian facilities would be placed in as these properties developed. Additionally, David Filiatreau, Division of Traffic Engineering, indicated that was the intention.

Applicant Presentation – Darby Turner, attorney for the applicant, stated his appreciation of Staff, and began answering some of the questions he heard from the commissioners. Mr. Turner stated that none of the CC's have developed the way that was intended, but they are going to try it the way it was envisioned.

Mr. Turner stated that after discussions with Staff over the course of the past year, agreed that the CC zone was necessary for what they wanted to do with this development. Mr. Turner stated this is not going to be a big box hotel, but will be a boutique hotel and the design is a unique product.

Mr. Turner indicated that while it is not shown on this development plan, in the most recently filed development plan, they showed connectivity along Man O War Blvd . Additionally, Mr. Turner stated that Mr. Michler's point about parking near the natural areas would be taken into account and they would put some more effort into protecting the natural areas.

Mr. Turner concluded his remarks by asking Mr. Martin if the Placebuilder condition could be removed and that the applicant was in agreement with Staff's recommendations.

Mr. Martin indicated that that condition could be resolved.

Commission Questions – Ms. Meyer asked Mr. Turner how he sees the hotel being integrated into the neighborhood. Mr. Turner stated that many times you will have needs for family to stay at the hotel or other visitors. Additionally, the neighborhood could also use the spa and other amenities and would be a focal point of the community.

Mr. Michler asked if vehicular access was discussed at the north of the property as he brought up before, and Mr. Turner indicated that was the only available access point to make the plan work, but this will be discussed at the time of the final development plan.

Mr. Owens thanked Mr. Turner for acknowledging what has happened in other CC zones and that he liked the look of the development.

Action – A motion was made by Mr. Owens, seconded by Ms. Meyer and carried 10-0 to approve PLN-MAR-23-00015: MEADOW OAKS FARM, LLC, for reasons provided by Staff.

Action – A motion was made by Mr. Owens, seconded by Ms. Worth and carried 10-0 to approve PLN-MJDP-23-00056: MEADOW OAKS, UNIT 2 (ASHFORD OAKS) (AMD)) with the 10 revised conditions provided by Staff.

4. **RED DRAW DEVELOPMENT, LLC ZONING MAP AMENDMENT AND PLEASANT RIDGE SUBDIVISION DEVELOPMENT PLAN**

   a. **PLN- MAR-23-00017: RED DRAW DEVELOPMENT, LLC** (12/5/23)* **–** a petition for a zone map amendment from a Single Family Residential (R-1B) zone and Planned Neighborhood Residential (R-3) zone, to a Medium Density Residential (R-4) zone, for 7.556 net (8.187 gross) acres for property located at 2156, 2176, and 2184 Liberty Road.

   COMPREHENSIVE PLAN AND PROPOSED USE
   The 2018 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

   The petitioner is proposing a multi-family residential development consisting of seven, three-story apartment buildings, with a club house, pool, and associated parking areas. The applicant is proposing a total of 168 units, for a total residential density of 22.3 units per net acre.

   The Zoning Committee Recommended**: Postponement.**

   The Staff Recommends: **Postponement**, for the following reasons:
   1. The applicant should provide information relating to their public outreach efforts.
   2. The application should provide information on compliance with the following Policies of the 2018 Comprehensive Plan.
      a. Multi-family residential development must comply with the Multi-Family Design Standards (Theme A, Design Policy #3).
      b. Design car parking areas so as not to be the primary visual component of the neighborhood (Theme A, Design Policy #7)
   3. The zone change application for the subject properties, as proposed, does not completely address the development criteria for zone change within the Enhanced Neighborhood Place Type, and the Medium Density Residential Development Type. The following criteria require further discussion by the applicant to address compliance with the Comprehensive Plan:
      a. A-DS3-1: Multi-family residential developments should comply with the Multi-family Design Standards in Appendix 1.
      b. A-DS7-1: Parking should be oriented to the interior or rear of the property for nonresidential or multi-family developments.

   b. **PLN-MJDP-23-00063: PLEASANT RIDGE SUBDIVISION** (12/5/2023)* - located at 2156, 2176, & 2184 LIBERTY ROAD, LEXINGTON, KY

   Council District: 6
   Project Contact: Vision Engineering

   Note: The purpose of this plan is to depict multi-family residential complex with 168 dwelling units, in support of the requested zone change from a Single Family Residential (R-1B) zone and a Planned Neighborhood Residential (R-3) zone to a Medium Density Residential (R-4) zone.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

The Subdivision Committee Recommended: **Postponement**. The tree inventory map (TIM) was not submitted in accordance with Article 26.

1. Provided the Urban County Council approves the zone change to R-4; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester’s approval of tree preservation plan.
5. Greenspace planner’s approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality’s approval if environmentally sensitive areas.
7. Discuss tree inventory information required by Article 26 of the Zoning Ordinance.
8. Discuss Placebuilder criteria.

Staff Presentation **–** Mr. Daniel Crum presented the staff report and recommendation for the zone change application. He displayed photographs of the subject property and the general area. He stated that the applicant was seeking a zone map amendment from a Single Family Residential (R-1B) zone and Planned Neighborhood Residential (R-3) zone, to a Medium Density Residential (R-4) zone, for 7.556 net (8.197 gross) acres for property located at 2156, 2176, and 2184 Liberty Road.

Mr. Crum stated that the applicant is seeking to construct a multi-family residential development with the Enhanced Neighborhood Place-Type and the Medium Density Residential Development Type. Mr. Crum indicated that Staff was in agreement with the applicants selections for the Place-Type and Development Type.

Mr. Crum mentioned Staff concern at the committee hearing about a lack of communication with the neighborhood, but indicated that the applicant had reached out since then. The neighborhood, did express disappointment in the applicant’s outreach. Mr. Crum stated that neighbors had expressed concern about the congestion on Liberty Road, as well as the capacity for vehicles on Paradise Lane. Additionally, Mr. Crum indicated that the expansion of Liberty Road is expected to occur beginning in 2025 and that the access point at the intersection at Fortune Drive was signalized.

Mr. Crum showcased the updated development plan and noted the changes made from the previous plan, including the relocation of parking at the front. Additionally Mr. Crum noted the location of the apartment buildings, clubhouse, and 168 total units.

Next, Mr. Crum went over the Goals and Objectives of the Comprehensive Plan that this application is in agreement with those, including accommodating the demand for housing, identifying areas of infill, and utilizing a people-first design. Mr. Crum concluded his presentation by stating that Staff is recommending approval of this zone change and he could answer any questions from the Planning Commission.

Commission Questions – Ms. Worth asked what the improvements and expansion to Liberty Road would entail, and where residents could get more information on that. Mr. Crum stated that was a state project so the Transportation Cabinet and Transportation Staff would be a good resource.

Mr. Michler stated that Staff’s changes that have been implemented into the plan have moved this towards approval but we have been left with a plan that really focuses the apartment buildings on the parking lots. Additionally, Mr. Michler asked if there was Placebuilder criteria that looks at that issue. Mr. Crum indicated that the criteria is to relocate the parking into the interior, to deal with the public right-of-way, and accessibility of the open space. Mr. Crum stated that the interior pedestrian connections helped mitigate some of the impact of the interior parking.

Development Plan Presentation – Ms. Cheryl Gallt oriented the Planning Commission to the location and characteristics of the subject property. Ms. Gallt reiterated the total amount of units, and additionally stated that there would be 203 parking spaces, as well as bicycle racks.

Ms. Gallt indicated there were eight typical conditions of approval for the development plan, and noted that the tree inventory condition could be removed, and that she had received a plan with a tree inventory.

Ms. Gallt concluded her presentation by stating that Staff was recommending approval of the development plan, and could answer any questions from the Planning Commission.

Commission Questions – Mr. Michler asked if the sidewalk goes down to Paradise Lane and Ms. Gallt indicated that it did on the revised plan.

Applicant Presentation – Mr. Jihad Hallany, engineer for the developer, stated that they are in agreement with the Staff's conditions. Mr. Hallany indicated that they had met with the neighborhood a few days earlier, and four people attended the meeting. He concluded his presentation by stating he could answer any questions from the Planning Commission.

Commission Questions – Mr. Michler asked about the design of the internal space and if they have brought in any one from the architectural side to discuss it. Mr. Hallany indicated they had, and it provided a challenge for the development, due to the site being used as a dump.

Citizen Comments – Patricia Bishir, stated that she had concerns with traffic congestion, the amount of parking spaces, and maintain the seclusion of the neighboring properties in the Wilderness Road and Paradise Lane area.

Commission Questions – Mr. Pohl asked Mr. Hallany for clarification on the parking spaces, and Mr. Hallany stated there would be 203 spaces.

Mr. Wilson asked Staff if they ask the developers if these apartments are going to be used for affordable housing. Mr. Crum stated that there are development criteria and parts of the Comprehensive Plan that deal with that, but there isn't anything that requires a developer to put in affordable housing.

Mr. Michler asked Mr. Filiatreau what is the concern with Paradise Lane, and Mr. Filiatreau indicated that the road only being 12 feet is the main concern.

Mr. Davis asked if emergency vehicles could get onto the property if they needed to, and Capatain Lengal, Division of Fire and Emergency Services indicated that they could.

Ms. Worth asked if the this property was prone to flooding and Mr. Hallany stated it does not flood due to the elevation.

Action – A motion was made by Mr. Wilson, seconded by Ms. Worth and carried 10-0 to approve PLN- MAR-23-00017: RED DRAW DEVELOPMENT, LLC, for reasons provided by Staff.

Action – A motion was made by Mr. Wilson, seconded by Mr. Pohl and carried 10-0 to approve PLN-MJDP-23-00063: PLEASANT RIDGE SUBDIVISION with the 8 revised conditions provided by Staff, and a condition that there be a possible connection to Paradise Lane demonstrated on the development plan, at the time of the final development plan.

C. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMEMENDMENTS

1. **PLN-ZOTA-23-00006: AMENDMENT TO ARTICLES 1, 3, 8, 9, 12, AND 17 TO IMPLEMENT THE COMPREHENSIVE PLAN** (3/5/2024)* **–** a text amendment to the Zoning Ordinance to modernize the R-2, R-4, and R-5 zones and provide clear delineation between the B-1 and B-3 zones. The text also proposes density bonuses for affordable housing, creates a new Corridor Node (CN) zone for compact and walkable development, and updates related definitions.

INITIATED BY: URBAN COUNTY PLANNING COMMISSION
PROPOSED TEXT: Copies are available from the staff.

Staff Text Amendment Presentation – Mr. Hall Baillie stated that Staff wished for a one month postponement to the November 16, 2023 public hearing.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Action – A motion was made by Ms. Meyer, seconded by Ms. Barksdale and carried 10-0 to postpone PLN-ZOTA-23-00006: AMENDMENT TO ARTICLES 1, 3, 8, 9, 12, AND 17 TO IMPLEMENT THE COMPREHENSIVE PLAN, to the November 16, 2023 Planning Commission meeting.

2. **PLN-ZOTA-23-00007: AMENDMENT TO ARTICLE 1, 3, AND 8 FOR SECOND KITCHENS, ACCESSORY LIVING QUARTERS, AND ACCESSORY DWELLING UNITS** (3/5/2024)* – a text amendment to update Articles 1, 3, and 8 of the LFUCG Zoning Ordinance to update the definitions and restrictions regarding second kitchens, accessory living quarters, and accessory dwelling units (ADUs).

INITIATED BY: URBAN COUNTY PLANNING COMMISSION
PROPOSED TEXT: Copies are available from the staff.

The Zoning Committee Recommended: **Approval**.

The Staff Recommends: **Approval of the Staff Alternative,** for the following reasons**.**
1. The proposed text amendment is in agreement with the *Imagine Lexington 2045 Goals and Objectives,* Theme A, Goal 1, Objective b to accommodate the demand for housing in Lexington responsibly, prioritizing higher-density, and a mixture of housing types. Accessory dwelling units provide opportunities for gentle density in established neighborhoods.
2. The proposed text amendment is in agreement with the *Imagine Lexington 2045 Goals and Objectives,* Theme A, Goal 1, Objective c to plan for safe, affordable, and accessible housing to meet the needs of Lexington's aging population and residents with disabilities. Accessory dwelling units and accessory living quarters will support needs for affordable and accessible housing types that accommodate aging in place.
3. The proposed text amendment is in agreement with the *Imagine Lexington 2045 Goals and Objectives,* Theme A, Goal 2 to Support Infill and Redevelopment throughout the Urban Service Area as a strategic component of growth. Accessory dwelling units can provide an infill opportunity available throughout the Urban Service Area, offering equitable access to the entire community.
4. The proposed text amendment is in agreement with *Imagine Lexington 2045 Goals and Objectives,* Theme A, Goal 3, Objective a, to enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expand options for mixed-use and mixed-type housing throughout Lexington-Fayette County. Making Accessory Dwelling Units a more feasible option will provide greater flexibility to all residents to create and utilize additional dwellings of a modest and compatible scale within a neighborhood context.

Staff Text Amendment Presentation – Ms. Autumn Goderwis presented and summarized the staff report and recommendations for this text amendment. Ms. Goderwis began her presentation by stating that since regulations were adopted in 2021 there have been six ADU's permitted, and two are currently in progress. Since there has been so few in that time, Staff has been discussing what the commonly cited barriers to ADU construction have been. Some of the barriers include the restriction on new detached ADU's, the owner occupancy requirement, the cost due to building code requirements, labor and materials, and the desire for a shared living situation. Ms. Goderwis indicated that the three that Staff can do something about are the restriction on new detached ADU's, the owner occupancy requirement, and the desire for a shared living situation.

Ms. Goderwis highlighted the changes being proposed including modifying Article 3-12 to allow for detached ADU's, and modifying the use of an ADU to be more consistent with the new short term rental regulations. Additionally, Staff is recommending eliminating the requirements for owner occupancy, a deed restriction, and allowing for new detached ADU's. Ms. Goderwis indicated 50% of our community lives in rented spaces and excluding a whole category of people is against the policies of the adopted Comprehensive Plan.

Ms. Goderwis said that Staff is proposing a new definition of accessory living quarters, as well as modifying the kitchen facilities definition to delineate between what is an accessory dwelling unit and what is an accessory living quarter. Ms. Goderwis indicated that this will make it easier for applicants to do what they want if they have a multi-generational living situation.

Ms. Goderwis briefly touched on what is not changing in the ordinance, including the requirement for a pre-application conference, where ADU's are allowed, the lot size and other metric requirements, design standards, and the maximum occupancy limit.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

Ms. Goderwis indicated that Staff is recommending approval of this text amendment, and stated that she could answer any questions from the Planning Commission.

Commission Questions – Mr. Nicol asked in what section of the text included the owner occupancy issue. Ms. Goderwis indicated that was in Article 3-12 and it has been struck from the language. Additionally, Mr. Nicol stated it was his understanding that the current language might be illegal and was deferred to the Law Department on that question. Ms. Tracy Jones, Department of Law, indicated there was no case law that stated the current text is illegal, but there are jurisdictions that have reached that conclusion.

Mr. Owens stated that in this discussion on ADU's over the past 10 years, the owner occupancy has been a key component. Mr. Owens indicated that he thought that striking the owner occupancy language would open a can of worms that he was not comfortable with.

Ms. Worth asked if Ms. Goderwis could discuss the provision that an ADU could now be used as a short term rental and if the new regulations would make it an enforcement issue. Ms. Goderwis stated that currently, any ADU that is being used as a short term rental has to be a conditional use. The new text would allow for an ADU that is hosted to be used as a short term rental as an accessory use and would be enforced as such.

Mr. Davis stated he shared Mr. Owens' concern about owner occupancy and I he could not agree with the comparison about regulating duplexes the same way.

Mr. Nicol stated that since the beginning of this conversation on ADU's we have seen a housing crisis, and the idea of being able to create a new housing type is good. Additionally, Mr. Nicol asked about how this would affect gentrification and displacement. Mr. Chris Taylor indicated that there is extensive research that restrictive zoning is one of the primary drivers of affordability issues in cities which in turn causes displacement. Mr. Taylor also stated that ADU's are a mechanism for infill and increasing housing stock. Encouraging greater development is a bigger part of the solution.

Mr. Pohl asked if there was any research on eliminating owner occupancy and an increased frequency of rental creation and Mr. Taylor stated there was no research on if it creates rental units. Instead, Mr. Taylor stated that this would not be a force for displacement and creates housing stock.

Mr. Pohl also asked how many ADU's that Mr. Taylor would anticipate in the next year and Mr. Taylor stated that he thought we might see 10. Mr. Taylor emphasized it was important that we get the regulations right so that we can begin to work on other important things like grant incentive programs for low-income housing. Additionally, Mr. Taylor stated that the owner occupancy rule is exclusionary and creates a different class of person and restricts them, and that Staff was not comfortable with that. However, if the community is not ready for that, then the community is not ready for that.

Mr. Wilson stated that he thought the owner occupancy provision was important to have and there was a difference between how renters and owners keep up the property.

Mr. Michler asked about the data coming out of Louisville when it comes to owner occupancy and ADU's. Mr Taylor stated that Louisville does have an owner occupancy requirement, but they do not have the detached restriction and that is why their numbers are similar, but a little better. Additionally, Mr. Taylor indicated that the owner occupancy rule makes it more difficult for an owner to go get a loan to do an ADU.

Mr. Nicol asked Mr. Taylor to explain how Staff made such a thoughtful effort regarding to renters vs owners when it comes to this. Mr. Taylor stated that Staff just did not think it was appropriate for the insinuation that a renter needs an owner to oversee a property was not something the Staff is comfortable with.

Mr. Davis wanted to make it clear that was not an insinuation that anyone on the Planning Commission would make and he thinks everyone should be treated equal too.

Ms. Barksdale stated that Mr. Taylor's point was taken and makes sense because she was a little confused before, but is still a little torn.

Mr. Forester asked Mr. Nicol how much he would anticipate an ADU to cost to build and Mr. Nicol stated he anticipated it would cost about $120,000.

Citizen Comments – Patty Drouse, Joyland Neighborhood, asked to require owner occupancy for any ADU

Ginny Dailey, 136 Burly Avenue, stated she was this text amendment would undermine the growth of healthy neighborhoods.

Walt Gaffield, 2001 Bamboo Drive, stated he thought that Staff should be registering any and all ADU's.

Blake Hall, Kenwick resident, stated that a lot of the concerns raised by those opposed to this ZOTA were very close to denigrating renters. Mr. Hall stated that we should not degrade renters out of fearmongering that has not been backed up by facts.

Amy Clark, 628 Kastle Road, stated that she thought that owner occupancy was essential for ADU's.

Staff Comment – Mr. Taylor showcased examples of manufactured ADU's and highlighted they are not on a trailer, or different than any other house.

Commission Questions – Mr. Pohl asked if Mr. Taylor could speak to what the current status of the city's efforts to regulate short term rentals. Mr. Taylor stated that he was aware of additional software that is coming online to track them through revenue which will make enforcement a lot easier. Ms. Goderwis also stated that zoning compliance permits are required to have a short term rental.

Ms. Worth asked about making ADU's a conditional use as opposed to an accessory use and how that would affect the process and number of applications. Mr. Taylor indicated that if there were six in two years, this would make it go down to about one.

Citizen Rebuttal – Amy Clark, 628 Kastle Road, stated that a conditional use permit makes it easier to enforce ADU's and it should be possible for an applicant to say it will be for family use only.

Commission Comments – Mr. Pohl stated that if Lexington were to get ten ADU applications in the next year, only one would be a rental unit based on statistics presented by Staff. Mr. Pohl stated it was a fear based argument that were going to have several rental units and that short term rentals and ADU's are not the same thing. Additionally, Mr. Pohl stated that he agrees there is a real danger right now about stigmatizing renters.

Action – A motion was made by Mr. Nicol, seconded by Mr. Pohl and carried 7-3 (Wilson, Davis, and Owens voted nay) to approve PLN-ZOTA-23-00007: AMENDMENT TO ARTICLE 1, 3, AND 8 FOR SECOND KITCHENS, ACCESSORY LIVING QUARTERS, AND ACCESSORY DWELLING UNITS, for reasons provided by Staff.

VI. <u>COMMISSION ITEMS</u> - The Chair will announce that any item a Commission member would like to present will be heard at this time.

A. <u>Urban Growth Management</u>– The Planning Commission will consider the Urban Growth Management proposal to identify land outside the Urban Service Area in response to Council's direction through the 2023 Goals and Objectives to provide additional land for housing and jobs.

<u>Staff Presentation</u> – Director Duncan informed the Planning Commission that they could take action to fulfil the Urban County Council's task of accepting no less than 2,700 acres and no more than 5,000 acres to the Urban Service Area for the purposes of master planning. Director Duncan showed the Planning Commission the draft map that the Urban Growth Management Advisory Committee created on the projection screen. He then explained how Chair Forester formed an advisory committee that included four members of the Urban County Council, three members of the Planning Commission, and seven members of the community that had special expertise in topics such as agriculture, affordable housing, education, and development. Director Duncan then expressed that the Urban Growth Management Advisory Committee also received reports from the Division of Water Quality, and the Division of Purchase of Development Rights (PDR) as well as assistance from Geographic Information System (GIS) office. Director Duncan informed the Planning Commission that the version of the draft map that the Planning Commission viewed was not formed until the Urban Growth Management Advisory Committee hosted a public input hearing. Director Duncan then informed the Planning Commission that Staff from the Division of Water Quality, Long Range Planning, and Geographic Information System office were available if they had any questions. He informed the Planning Commission that information from the Division of Purchase of Development Rights would be available as well.

<u>Commission Comment</u> **–** Chair Forester opened the floor for discussion.

Mr. Wilson asked if the consultant would have the ability to tweak the draft map and report back to the Planning Commission. Director Duncan informed the Planning Commission that there could be an opportunity for the consultant to tweak the draft maps, he then iterated that the decision that the Planning Commission is making would just allow for the consultant to start master planning, not making the final decision on the boundary of the Urban Service Area. Mr. Wilson asked if substantial changes or recommendations by the consultant needed to be approved by the Planning Commission. Director Duncan informed the Planning Commission that ideally recommendations of additional parcels to be considered or disregarded would be communicated to the Planning Commission as soon as they are recognized. Director Duncan reassured the Planning Commission that the final decision will be made by them to determine which parcels will be added to the Urban Service Area.

Mr. Pohl asked if a give and take process would be considered as the master plan develops. Director Duncan stated that it is Staff's hope for the land to already be settled before they hire a consultant and that the conversations had with the consultant would be about infrastructure and land uses.

Mr. Owens stated that he wanted to recognize Area 2 for discussion.

Mr. Nicol stated that from the correspondence that they have received there has been an abundance of conflicting wishes for Area 2. Mr. Nicol then asked how the Mill Ridge property and Man O War Boulevard area could be sewered.

Mr. Pohl asked Director Duncan if he could intuit the negative effects on neighborhoods as the result of inclusion to the Urban Service Area. Director Duncan stated that due to the rigorous master planning and zoning process that all development that would occur would be purposeful, he further stated that the development would address the Council's direction of housing and job creation and act positively for the community. Director Duncan stated that he could not posit what negative impacts the future development would have.

Ms. Worth asked about the projected road development and what that would be for Hume Road as well as other intersecting roads. Director Duncan stated that the collector road system and infrastructure would be a part of the master planning process, but it would be important to consider connections now so that in the future it would be easier to develop and expand when needed.

Mr. Pohl stated that an author of a letter that was received stated that the adjacent farm located at 1941 Hume Road did not want to be included in the Urban Service Area. Director Duncan stated that the Mount Zion Farm, located at 2176 Royster Road, owners stated that they were interested in being in the Urban Service Area, which was also presented to the Urban Growth Management Advisory Committee at their public input meeting on September 12, 2023. Ms. Worth stated in the most recent letter that she read, the author stated that they were not interested in developing currently; however, there was no statement provided about being included. Director Duncan stated that the property owner of 2176 Royster Road does want to be included in the Urban Service Area.

Mr. Nicol asked how including Vice Mayor Dan Wu's proposal of including the Mill Ridge property along Man O War Boulevard would benefit the City's work in improving the sanitary sewer system. Director of Water Quality Charlie Martin stated that their concern is the Mint Lane pump station. Director Martin stated that currently only Area 1 is being considered; however, in order for Area 1 to be considered for a treatment plant, it would have to go through Mint Lane. Director Martin stated that Mint Lane pump station does not have the capacity to handle more, it would need to be rebuilt which is currently not an option. Director Martin stated that it is his belief that Vice Mayor Wu proposed the area to be included so that the pump station could be rebuilt and add a storage tank in order to serve Areas 1A, 1B, and 1C which were shown on the projection screen. Director Martin stated that if Area 1 was added it would be immediately waitlisted as far as sewer capacity because there is currently not enough capacity.

Ms. Worth asked how many acres would be needed to fix the pump station problem. Director Martin stated that ideally the Division of Water Quality would prefer at least 2 acres due to the large amount of space that a pump station and storage tank utilize. Director Martin stated that having enough room to make the storage tank short and wide instead of tall and skinny is preferred.

Ms. Worth then offered a statement from her fellow Urban Growth Management Advisory Committee member, Alison Davis, stating that bringing in that the amount of acreage to solve a problem that could be solved with two acres should be reconsidered so that they could look at land to bring in that has the best justifications. Ms. Worth then asked if expansion was out of the picture, how the problem of the pump station would be addressed. Director Martin stated that the best solution would be to move down stream in the area identified as Area 1C and build a new pump station and storage tank at that location. Ms. Worth then asked if funding would then need to be made available by Council to fix the problem whether they expand there or not. Director Martin stated that he would have to work with the Urban County Council because if the land identified as Area 1C were not included, it would require the pump station to go outside of the Urban Service Area, which has typically been unallowable. Director Martin further stated that Water Quality has a capacity assurance plan that is approved by the Environmental Protection Agency (EPA), and that the capacity for the Mint Lane pump station is approximately 58,000 gallons a day. This capacity supports between 150 and 200 homes in the area.

Ms. Worth stated that during the review of the properties through the Urban Growth Management Advisory Committee, fellow committee member John Phillips, owner of Darby Dan Farm, received a significant amount of push back from horse farms, and equine related groups pertaining to the properties within the Bowman Mill area. Ms. Worth stated that when visitors come in from the airport, they are shown Keeneland and the area of Bowman Mill. She indicated that it is a key marketing area for Lexington. She further stated the Committee decided not to include area outside of Man O War Boulevard to honor the horse industry. Chair Forester stated that the Urban Growth Management Advisory Committee also received a letter from the Blue Grass Airport that stated that they wanted the area developed. Chair Forester then stated that the initial vote for the area was a tie vote which failed, then the area became Areas 1A and 1B.

Mr. Wilson stated that he would prefer the Planning Commission to approve the draft map that was presented by the Urban Growth Management, and then talk about any tweaks with the consultant.

Mr. Michler stated that he could not vote to approve the draft map in its current format. He further stated that the draft map is a starting point, but there are a couple of issues that prevent him from supporting it as it is shown. The biggest issue that Mr. Michler outlined is that the Planning Commission is charged with expanding the Urban Service Area, and that the current map does so exclusively with the development of farmland and natural areas. Mr. Michler then stated that the Blue Sky Rural Activity Center is the most underutilized area outside of the Urban Service Area. He added that the Blue Sky Area and the Canebrake area would offer connectivity to the Urban Service Area without creating a ga1p. Director Duncan depicted Area 6 and stated that the Urban Growth Management Advisory Committee recommended 5660 Athens Boonesboro Road and 5530 Athens Boonesboro Road. Additionally, at the previous public hearing, the Planning Commission received comments from owners or representatives of 5691 Athens Walnut Hill Pike, 5680 Athens Boonesboro Road, 5722 Athens Boonesboro Road, and 5916 Athens Boonesboro Road who indicated a desire to be included in the Urban Service Area. Additionally, Director Duncan depicted the draft map of Areas 5A and 5B, which included the properties along Canebrake Drive and Todd's Road and stated that this area was recommended for connectivity once Canebrake's Road is improved.

Mr. Michler asked that if the parking areas accompanying the athletic fields, depicted in Area 6C, located at 250 Doe Run, were to be used by the businesses in Blue Sky, if it would need to be included in the Urban Service Area. Director Duncan informed the Planning Commission that only the property located at 250 Doe Run would be feasible.

Mr. Nicol asked if it would be better to address the Blue Sky Area through a small area plan or through the recommendations of the Urban Growth Management Advisory Committee. Director Duncan indicated that he had a concern with master planning for the redevelopment of an established industrial area, as well as an area of greenfield development.

Ms. Worth asked if part of the Council's criteria stated that a new proposed area could not border a PDR farm. Director Duncan informed the Planning Commission that the Council did not specify if new land could or could not border a PDR farm, but the criteria did say to be mindful of agriculture.

Chair Forester asked for Director Martin to speak about the Canebrake area. Director Martin informed the Planning Commission that how the draft map is depicted is not the way that the Division of Water Quality would have drawn it for sewerability reasons.

Mr. Davis asked why the portion of Blue Sky would not qualify under the Council's criteria. Director Duncan informed the Planning Commission of the Council's criteria, which stated that the property must be adjacent to the Urban Service Area, which none of that area is, or the land must front on a corridor. The streets internal to the Blue Sky Rural Activity Center are considered local streets and do not have frontage on Athens Boonesboro Road.

Mr. Michler stated that the Blue Sky Area is important to include for master planning. Mr. Michler then stated when the area is looked at, it is one of the areas that needs assistance with planning. Mr. Michler mentioned that it does not make sense to only bring in the parcels that front along Athens-Boonesboro Road. Mr. Michler stated that by adding Blue Sky it could help protect farmland and can maximize the existing urban area. Director Duncan stated that Staff agrees that Blue Sky should be studied; however, the council did not specify to ignore farmland, and further stated that the Planning Commission was charged by Council to identify land based on their criteria. Director Duncan informed the Planning Commission that Blue Sky is an isolated project that would need full attention.

Mr. Michler asked if one of the Council's criteria was that the land must be one of natural areas or farmland areas. Director Duncan informed the Planning Commission that the criteria was that the land for consideration be on a corridor or adjacent to the current Urban Service Area.

Mr. Pohl asked if the Planning Commission agglomerated Areas 4, 5, and 6 with Blue Sky, if Blue Sky then would be adjacent to the Urban Service Area. Director Duncan informed the Planning Commission that it would not be adjacent until the amendment is adopted to the Comprehensive Plan in 2024. Director Duncan then cautioned the Planning Commission that Blue Sky is called a Rural Activity Center and he could assure that the Rural Land Management Board would offer input on the potential inclusion of the area.

Mr. Owens stated the Council assigned the task and now the Planning Commission must fulfil the task the best that they could, even if they do not agree with it. Mr. Owens then expressed his appreciation of the Urban Growth Management Advisory Committee and Planning Staff.

<u>Action</u> – Mr. Owens moved to modify the existing Area 1 to only include the Southside of Man O War Boulevard, identified as Area 1B, include the entirety of Area 2, eliminate the entirety of Area 3, include all of Area 4, include the Blue Sky Rural Activity Center, which he referred to as Area 4A, include all of Area 5, and include Area 6. The motion was seconded by Mr. Michler.

Mr. Wilson stated that he appreciated the motion but found it disappointing where the Urban Growth Management Advisory Committee volunteered their efforts to make their recommendation.

Mr. Pohl asked about the inclusion of the acreage in the Blue Sky Area and how the area does not meet the Council's criteria. Director Duncan informed the Planning Commission that the approach that the Urban Growth Management Advisory Committee took was to review the condition of the land as it was, not how it would exist after expansion is completed. The area would not be adjacent to the Urban Service Area until the Planning Commission votes to expand the Urban Service Area in the future. Director Duncan then stated that the areas that were provided to the Planning Commission by the Advisory Committee were already adjacent to the Urban Service Area, located along a corridor or in common ownership. Director Duncan then informed the Planning Commission that individual parcels were looked at and not areas as a whole to determine what met the council's criteria.

Ms. Barksdale requested the rational of eliminating Areas 3 and 1A as stated in Mr. Owen's motion. Mr. Owens stated that the Planning Commission was charged with identifying a minimum of 2,700 acres, while trying to remain the horse capital of the world. He indicated he looked to find acreage elsewhere, which included Blue Sky. Ms. Barksdale stated that her concern was Council's mandate was 2,700 to 5,000 acres, and the intent is to plan 20-25 years in the future. She then stated that in her opinion, it makes more sense for the Planning Commission to add additional areas and not disregard the work of the Urban Growth Management Advisory Committee. Mr. Owens stated that the Planning Commission needs data driven information in order to consider adding additional acreage.

Ms. Worth stated that the Planning Commission is going to complete an additional process that will guide how the Planning Commission fulfils expansion in the future.

Mr. Michler stated that the majority of the proposed map from the Urban Growth Management Advisory Committee is still being considered.

Chair Forester asked Mr. Owens about the land absorption data rates. Mr. Owens informed the other members of the Planning Commission that he received data from the Property Valuation Administrator's (PVA) office.

Mr. Pohl stated that including prime farmland in the boundary is dangerous.

Staff Comment – Chris Doerge, GIS Developer with Information Technology, created a new draft map reflecting Mr. Owens motion, which includes Area 1B, all of Area 2, all of Area 4, and all of Area 5, the Canebrake road properties, all of Blue Sky, and Area 6. Mr. Doerge shared that his calculations of the new draft map, the gross acreage was approximately 2,832 acres and the net acreage was 2,639 acres.

Director Duncan stated that the Urban Growth Management Advisory Committee excluded floodplain and publicly owned land from their recommendation to the Planning Commission. Director Duncan then communicated to the Planning Commission that the Urban Growth Management Advisory Committee made their recommendation based on net acreage to ensure that all land could be developable.

Commission Comment – Mr. Owens stated that the Urban County Council's recommendation was one number, not gross acreage or net acreage. Mr. Davis asked if expansion conversations in the past included the gross acreage or net acreage discussion. Director Duncan stated that the Urban County Council did not direct gross or net acreage, but that the Urban Growth Management Advisory Committee, which included four members of the Urban County Council, made that decision. Director Duncan informed the Planning Commission that it is his belief that in the past expansion did not have to meet a certain acreage.

Chair Forester stated that the net versus gross acreage was a big discussion amongst the Growth Management Advisory Committee, and that the Urban Growth Management Advisory Committee was charged with looking at the net acreage. Director Duncan informed the Planning Commission that the Urban County Council did not differentiate between gross and net acreage and that it was the Urban Growth Management Advisory Committee's choice to do so.

Ms. Barksdale asked how the businesses in Blue Sky Parkway would be affected and asked if there would be enough land there to build residences. Ms. Meyer stated that it is her belief that the area could be transformed into an area where one could live and work. Ms. Meyer then stated that the area would have potential for connectivity as well. Mr. Owens stated that much of the land is underutilized in Blue Sky Rural Activity Center. Ms. Barksdale then stated with the other study areas there was information provided from the property owners that indicated their wish to be included and was curious if that would occur for the Blue Sky area. Chair Forester then informed the Planning Commission that Vice Mayor Wu requested land that would be ready for development and not land that would be sitting idle.

Mr. Nicol stated that it would be dangerous to rewrite the work that was completed by the Urban Growth Management Advisory Committee, and that if the Planning Commission makes any changes, it should be adding more land.

Chair Forester called for the vote of the motion proposed by Mr. Owens. The motion passed 6 – 4 (Forester, Wilson, Barksdale, and Nicol opposed).

Action – Mr. Nicol moved to include all of the land that was recommended by the Urban Growth Management Advisory Committee, seconded by Ms. Barksdale. The motion failed 3 – 7 (Wilson, Worth, Davis, Michler, Pohl, Meyer, and Owens opposed).

Commission Comment – Mr. Owens mentioned that the Blue Sky Rural Activity Center would no longer be in the rural area. Attorney Senior Tracy Jones stated that the Planning Commission is not identifying the uses of the land at the current meeting, that the Planning Commission is identifying land to be included for master planning. Ms. Jones stated that during the master plan process the Planning Commission could ask the consultant about the land, but that will be a discussion at a later date.

Chair Forester stated that this was a hard decision to make for the City of Lexington and appreciated the Planning Commission's morale throughout the process. Mr. Davis expressed his appreciation to Mr. Forester for his efforts in the Planning Commission and the Urban Growth Management Advisory Committee.

Ms. Worth read the resolution of the Urban County Planning Commission to accept the growth areas for master planning, which was seconded by Ms. Meyer. The resolution passed 9 – 1 (Nicol opposed).

VII. STAFF ITEMS – The staff will report at the meeting.

VIII. AUDIENCE ITEMS – Citizens may bring a planning related matter before the Commission at this time for general discussion or future action. Items that will NOT be heard are those requiring the Commission's formal action, such as zoning items for early rehearing, map or text amendments; subdivision or development plans, etc. These last mentioned items must be filed in advance of this meeting in conformance with the adopted filing schedule.

IX. MEETING DATES FOR November 2023

Subdivision Committee, Thursday, 8:30 a.m., in 3rd Floor Conf Room, Phoenix Building .... November 2, 2023
Zoning Committee, Thursday, 1:30 p.m., in 3rd Floor Conf Room, Phoenix Building .... November 2, 2023
Subdivision Items Public Hearing, Thursday, 1:30 p.m. in Council Chambers, 2nd Floor, Gov't Center.............. **November 9, 2023**
Zoning Items Public Hearing, Thursday, 1:30 p.m, in Council Chambers, 2nd Floor, Gov't Center**.................. November 16, 2023**
Technical Committee, Wednesday, 8:30 a.m., in Council Chambers .... November 29, 2023
Work Session, Thursday, 1:30 p.m., in Council Chambers, 2nd Floor, Gov't Center .... November 30, 2023
Comprehensive Plan Public Hearing, Thursday, 1:30 PM, in Council Chambers, 2nd Floor, Gov't Center… November 30,2023

X. ADJOURNMENT

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Larry Forester, Chair

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Janice Meyer, Secretary

TW/CT/DC/RL/RS-12/12/23

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.